

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

DAWN MALEC,)	
)	
Plaintiff,)	
)	
v.)	Case No. 22-CV-05312
)	
CITY OF JOLIET and JAMES CAPPARELLI in his Official and Individual Capacities,)	Hon. Matthew F. Kennelly
)	
)	JURY DEMANDED
)	
Defendants.)	

STIPULATION OF DISMISSAL

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) and in accordance with the Parties' Settlement Agreement, Plaintiff Dawn Malec and all above-captioned Defendants hereby stipulate to the dismissal of this action, without prejudice. Each party shall bear its own costs and attorney's fees, except to the extent set forth in the Settlement Agreement.

The Settlement Agreement contains ongoing payment obligations on the part of the Defendant, City of Joliet, through January 31, 2024. Unless the Plaintiff files a motion to reinstate the case for the sole purpose of enforcing paragraph 1 of the Settlement Agreement on or before February 15, 2024, the dismissal shall automatically convert to a dismissal with prejudice on February 16, 2024.

DATED: December 7, 2023

DAWN MALEC

By: /s/ Naomi Frisch
Attorney for Plaintiff

Matthew Pierce ARDC No. 6326448
Naomi Frisch ARDC No. 6328429
Asher, Gittler & D'Alba, Ltd
200 W Jackson, Ste 720
Chicago, IL 60606
(312)263-1500
mjp@ulaw.com
naomi@ulaw.com

RESPECTFULLY SUBMITTED:

**CITY OF JOLIET and JAMES
CAPPARELLI**

By: /s/ Kelly A. Coyle
*Attorney for City of Joliet and
James Capparelli in his Official Capacity*

James. J. Powers ARDC No. 6256540
Kelly A. Coyle ARDC No. 6312591
CLARK BAIRD SMITH LLP
6133 North River Road, Suite 1120
Rosemont, Illinois 60018
Telephone: (847) 378-7700
jpowers@cbslawyers.com
kcoyle@cbslawyers.com

By: /s/Michael T. Layden
*Counsel for Defendant James Capparelli
in his Individual Capacity*

Michael T. Layden, Esq. ARDC No. 6229674
Collin M. Bruck, Esq. ARDC No. 6312429
CROKE FAIRCHILD DUARTE & BERES
191 N. Wacker Dr., 31st Floor
Chicago, Illinois 60606
(312) 641-0881 (phone)
mlayden@crokefairchild.com
cbruck@crokefairchild.com

CERTIFICATE OF SERVICE

The undersigned attorney certifies that she caused a true and correct copy of the foregoing Stipulation of Dismissal to be served upon all parties of record via the Court's CM/ECF system on December 7, 2023.

/s/ Naomi Frisch

Naomi Frisch
Attorney for Plaintiff
Asher, Gittler & D'Alba, Ltd
200 W Jackson, Ste 720
Chicago, IL 60606
(312)263-1500
naomi@ulaw.com